

Margaret Davies

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OFFICIAL COMMENT^{January 14, 2010}

LSA Document #08-764 (Antidegradation)
MaryAnn Stevens, Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Ave.
MC 65-41
Indianapolis, Indiana 46204-2251.

Subject: Appendix 1 listing Atlantic bluefin, CITES, FWS-R9-IA-2009-N176, 96300-1671-0000 FY09R4

Dear Ms. Stevens:

Lake Michigan deserves the highest level of protection from new or increased pollution. Indiana's proposed rule must be strengthened to protect water quality as the Clean Water Act intended.

The federally mandated water quality rule proposed for Indiana, still falls short of protecting Lake Michigan. Introduced in 2008 and since vetted at four public meetings, the draft rule contradicts the intent of federal anti-degradation laws, which are meant to protect water quality while working to comply with existing standards.

Instead, Indiana's rule would trigger an anti-degradation review only when a new or increased discharge would increase the level of a pollutant to the degree it poses a potentially "detrimental effect" on lake uses.

Other concerns:

- * The rule includes several unjustified exemptions, and excludes phosphorus, sediment and other key pollutants for which no thresholds exist from protective provisions -- even though these pollutants are known to harm water quality.

- * The rule exempts so-called "de minimis" -- or low-level -- new pollution discharges from a federal requirements that the pollution is a necessary byproduct of important local economic or social benefit.

The result: Using the methods proposed in the draft rule, state regulators could permit multiple new low-level discharges of a pollutant that together have a significant

cumulative impact on Lake Michigan's water quality, without any evidence that the additional pollution is justified.

Please strengthen the federally mandated rule, which sets a limit for how much new pollution can be discharged to Lake Michigan and other waterways in the state.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Davies". The signature is written in dark ink and is positioned below the word "Sincerely,".

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